

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, October 8, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, September 24 and October 1, 2008 Worksessions.

Action: Approved as amended, (CGT/WMH, 4-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:

- (a) **A-6258, Petition of Joseph Lutch** (one-story addition/garage). Hearing held 9/3/08.

Action: Granted Order Extending Time, (DKP/CGT, 4-0).

3. **CBA-864-A [CBA-1233, CBA-2397, S-380] Petition of Potomac Swim and Recreation Association** (community swimming pool). Letter to the Board from Michele Rosenfeld, Esquire, requesting a correction to the Board's Resolution adopted 3/19/08.

Action: (1) Re-opened the record to include the letter from Ms. Rosenfeld;  
(2) reissue corrected Board Resolution to reflect information supplied by  
the applicant, (WMH/CGT, 4-0).

4. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map].

Action: Item deferred for Mr. Kline to contact homeowner's association regarding  
its concerns, consensus.

5. **CBA-2986, Petition of Leafy House, Inc.** (care home). Letter from Jody Kline, Esquire, submitting the deed requested by the Board at its 9/24/08 Worksession.

Action: Re-opened the record to include Mr. Kline's letter with attachment, (DKP/WMH, 4-0).

6. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Leslie Weber, Senior Vice President, requesting a deferral of the presentation of the noise testing results to the CLC.

Action: (1) Re-opened the record to include Ms. Weber's letter, (CGT/DKP, 4-0); (2) no other action required by the Board.

7. **S-274-D, Petition of Suburban Hospital** (hospital). Hearing Examiner's Report and Recommendation on Motion to Dismiss.

Action: Item deferred until the Board is fully staffed, consensus.

8. **S-322, Petition of Wave Lengths, Inc.** (retail sales and personal services establishment in multi-family structure). Letter to the Board from Peter Brokt, President, requesting an administrative modification.

Action: Granted the administrative modification, (DKP/WMH, 4-0).

9. **S-1692, Petition of Belt Elderly Housing Limited Partnership** (housing for the elderly). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked the special exception for failure to implement, (DKP/WMH, 4-0).

10. **S-2163, Petition of Linda S. Weaver** (accessory apartment). Letter from Mark Malakoff submitting the affidavit of posting requested by the Board.

Action: Re-opened the record to include the affidavit of posting, (CGT/WMH, 4-0).

11. **S-2665, Petition of Donovan J. Pirkle** (accessory apartment) Memorandum from Bill Calloway, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception is in violation and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DKP/WMH, 4-0).

12. **S-2725, Petition of Nations Academy LLC** (private educational institution). Letter to the Board from Jody Kline, Esquire, requesting that the special exception be withdrawn without prejudice.

Action: Dismissed the special exception as withdrawn without prejudice, (CGT/DKP, 4-0).

### **PENDING ITEMS:**

13. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
14. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
15. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letter from April Birnbaum, Esquire, submitting the additional information requested by the Board. Item deferred for additional information regarding the chain of corporate transfers [W/S 9/10/08].
16. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property [W/S 6/25/08]).
17. **S-924, Petition of Thomas E. and Patricia M. Doss** (major home occupation). Letter to the Board from David Brown, Esquire, submitting a special exception site plan. Also included is a letter from the Korean Baptist Church [Large exhibit: site plan]. (1) Re-opened the record to include the letter from Mr. Brown; (2) petitioner to supply information requested by the Board at the Show Cause Hearing [W/S 9/24/08].
18. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Check received from Rita Larkins requesting the transfer of the special exception. Letter sent to Ms. Larkins notifying her of the required posting for the transfer of a special exception. Letter dated 3/31/08.

**PENDING ITEMS (continued):**

19. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
20. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
21. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
22. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from John Jassin, M.D., requesting Oral Argument and a letter from Norman Knopf, Esquire, on behalf of Linda and Gregory Locraft. Item deferred pending resolution of the sewer connection issue. BOA to advise County Council.
23. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

**Board Members**

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